SW 49

Previous references.

1912-13
(Courts)

File No. 80

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1+2

Part B. for January 1913.

SUBJECT.

Delay in the disposal of a criminal case by the City Magistrate, Bangalore

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1. From the Registrar Chief Court - No 1174/85 & 26-9-12
Brings to the notice of Govt. the inordinate delay in the disposal of a criminal case on the file of the City Magte. Bangalore

2. To the Dewan officer + the Dt. Magte, Bangalore
No. J. 1948-49 & 11-1-13.
Records the Chief Proc. of the Ch. Ct. with G. R. S. 58 certain remarks

Srinivasaraghava
5/8/13

G.R.S. 11] 1912-13.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts File No. 80-12.

FILE HEADING.

Delay in the disposal of a Criminal Case by the City Magistrate, Bangalore. (Mr. B. Venkoba Rao)

From The Registrar Chief Court

No. 1174/85 Dated 26-9-12 Received 28-9-12.

Diary No. 1934.	Enclos. one file	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards for information a Copy of the Proceedings of the Chief Court in a Criminal Revision Case, ~~in regard to a case of~~ commenting on the inordinate delay in the disposal of a Criminal Case on the file of the City Magistrate, Bangalore.

NOTES AND ORDERS.

Subd

Secy 122

2-10-12

O

Subd for perusal

4/10/12

Secy

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]

General and Revenue Secretariat.

Ch File No. 80 of 1912

Serial No.

3 The records show that the case remained in the hands of Mr.Venkoba Rao (before whom it first went up) for only about two months(from 1st June 1909 to 29th July 1909) by which time he had finished the prosecution evidence and framed a charge against the accused.

4 There was then an interval of about seven months before the case went ~~again~~ to Mr.C.S. Kuppasamiengar. The record does not show where it was pending all this time; though it is stated in the Proceedings of the Chief Court(on what basis it cannot be made out) that the case was before the District Magistrate during the above period on an application for transfer presented by the parties.

5 From March 1910 to November 1910, Mr.C.S. Kuppusamiengar was in charge of the case. The progress of the case was extremely slow and unsatisfactory under him. The many adjournments - most of them long ones extending to more than one month - show that he failed to realize his responsibility as a Magistrate for the speedy dispensation of justice.

6 From December 1910 to June 1911, the case was before the District Magistrate on an application for transfer presented to him. During this period of seven months, he adjourned the application (each time for a month or more) 4 times ~~times~~ at the request of the pleader and finally sent back the case to the same Court as

NOTE—Contn. sheet.

G1E—65,000—17-6-12.

there th

Serial No.

there was a change of personnel.

7. Meanwhile, Mr.Kuppusamiengar who had been temporarily absent from the charge of the Close-pet Sub Division having resumed charge of the Division, he resubmitted the case for the orders of the District Magistrate who then referred it to the City Magistrate. Mr.Ranganatha Rao Saheb (City Magistrate) commenced the trial of the case on 18.1.1912 and completed it on 25.3.1912.

8. It will be seen from the above summary that Messrs: Venkoba Rao and Ranganatha Rao Saheb are not to blame for the delay in the disposal of the case. It will be also observed that the officers on whom rests the chief responsibility for the delay are firstly Mr.C.S. Kuppusamiengar and secondly the District Magistrate. The former delayed the case for about 8 months by long and protracted adjournments; while the latter had the records of the case with him twice - for about seven months each time, for the disposal of the applications presented to him for the transfer of the case.

1108

1st Annexure

29/11/12

29/11

9. Govt agree with the Hon. C. that the time taken in the dis-

NOTE—Contn. sheet.

GIP—65,000—17-C-12.

[G. R. S. 12]

General and Revenue Secretariat.

Ch File No. 80 of 1912.

Serial No.

~~proceedings of the case was the~~

trial of the case was protracted beyond all reasonable bounds. The District Magte of Bangalore & the 1st Cl Magte (Mr K. Iyengar) were responsible for the greater part of the delay, and Govt are constrained to express their displeasure at the very unsatisfactory manner in which they allowed Magtes in the case.

(2) The Ch. Cl will impress on all Judges & Magtes the necessity of prompt disposal of Criml cases, and of noticing adequately all remissness in such matters on the part of subordinate tribunals.

24/12/12

28 24/12

11 Returned draft 26/12/12

NOTE—Contn. sheet.

GIE—65,000—17-C-12.

General and Revenue Secretariat. | CS- File No. 80 of 1912-13

Serial No.	
	Draft Subs Acg 122 SW (11) 4/1/13
	6/1/13
	Secy Bapps. Draft submitted for the perusal of the Dewan 8/1/13
	8/1/13
As proposed SW 10/1/13	2 To the Registrar, Chief Court & District Magistrate Bangalore N.J. 1948-49 & 11.1.13. Records the Chief Court's progs with certain remarks Issued and Submitted to Dewan for perusal. Acg 122 SW 15/1/13. Secy 24.1.13: Re
27/1/13 895 16.1.13	

NOTE—Contn. sheet.

No: 1174 Income 85

CHIEF COURT OF MYSORE,

Bangalore, datec 26th September 1912.

27

DIARY No. 934

From

	1912-1913
SECTION	C5
FILE No.	80-12
SERIAL No.	1

To

The Registrar of the
Chief Court of Mysore.

The Secretary to the Government of Mysore,
General and Revenue Departments.

S I R,

Adverting to your letter No. 1538/J. dated 2nd February 1904, I am directed to forward for the information of Government a copy of the Proceedings of this court in Criminal Revision Case No. 11 of 1912-13.

The record is also sent for reference and favour of return when no longer required.

I have the honour to be,
Sir
Your most obedient servant,

REGISTRAR.

N.G.

NB.

2-1175/78 Encl. to Cs. 80-12-1 2

PROCEEDINGS OF THE CHIEF COURT OF MYSORE.

Bangalore, dated 24th September 1912.

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Criminal Revision Case No. 11 of 1912-13.

Read Records of Criminal Case No. 87 of 1911-12 on the file of the City Magistrate of Bangalore, and those of Criminal Appeals Nos. 1 and 2 of 1912-13 on the file of the Sessions Judge, Bangalore, called for on perusal of copy of judgment in the appeals and received with the Sessions Judge's No. 682 / 105 dated 17th September 1912.

APPELLANTS . - Abdul Wahab and 8 others. (ACCUSED).

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1. Perusal of the records in this case discloses a most discreditable state of affairs. The original case was one of rioting under Section 147, Indian Penal Code. The offence occurred on 1 - 5 - 1909. Final judgment in the case was passed on 25 - 3 - 1912, after a delay of nearly 3 years. The case was heard by three different Magistrates, and charge was framed three times against the accused. The original Magistrate who dealt with it was Mr. B. Venkoba Rao, First Class Magistrate, Clospet, who took up the case on 1 - 6 - 1909, and after 9 adjournments in the course of which he examined 10 witnesses, discovered on 29 - 6 - 1909 a mis-

joinder

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misjoinder of offences and parties, and ordered a fresh start de novo, then on 15 - 7 - 1909, discovered apparently that a fresh start was not necessary and framed a charge. On 29 - 7- 1909 or thereabouts, a motion for transfer of the case seems to have been put in and the question of transfer seems to have occupied the District Magistrate from then till February 1910. The records of this transfer application are not before us. However on 6 - 3 - 1910 the case was back again in the Clospet First Class Magistrate's Court, with Mr. C.S. Kuppuswami Iyengar as Magistrate. De Novo trial was claimed and granted. He examined 14 witnesses and by 25 - 11 - 1910, i.e. in a period of over 8 months, he had proceeded far enough to frame a charge. It was 7 months (1 - 10 - 1910) before he even began to examine witnesses at all. On 14 - 12 - 1910 another petition for transfer was put in to the District Magistrate (Mr. Kumaraswami Naick). He, notwithstanding the fact that the case was then 1½ years old, adjourned the hearing of this petition for no less than 4 times merely because the accuseds' advocate ~~ordered~~ wished an adjournment, and took till 21 - 6 - 1911 to pass an order sending the case back because the Magistrate had been transferred. Just after that apparently the same Magistrate

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came back and the case was transferred to the City Magistrate, Bangalore, and entered on its third hearing. The City Magistrate (Mr. Ranganatha Rao) began it on 26 - 6 - 1911 and finished it on 25 - 3 - 1912 after 16 adjournments.

2. It is quite evident from these circumstances that neither the First Class Magistrate nor the District Magistrate at all realised the necessity for prompt disposal of criminal cases. The accused were nearly three years under trial, a scandalous state of matters. Even if we deduct the two occasions on which the case was pending orders on transfer petitions by the accused themselves, the case took two years for disposal. It is a case presenting no complex features and the amount of evidence recorded is not large. This Court consider that the gross and scandalous delay in the disposal of this case is very discreditable to the officers concerned.

3. It is further cause for remark that though the case was twice in the District Magistrate's Court, on neither occasion did he remark on the delay ∅ in disposing of it, and though it was taken on appeal in the Sessions Court, the

Sessions

5

Sessions Judge has only a mild remark to make, which is also inaccurate, that "from the date of the riot to the date of disposal by the Magistrate nearly two years have elapsed". It is clear that neither the District Magistrate nor the Sessions Judge realise their responsibility in checking such gross delays and in animadverting on the officers responsible for them.

sd) W. A. Rajaratna Mudaliar
REGISTRAR.

N. G

To
The Sessions Judge
Bangalore.

'Copy'

Rajaratnam
Registrar.

187.

2½

9-1-13 confidential

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G.R.S. 28]

Cs File No. 80–12.

Serial No. 2.

Diary No. of letter replied to 934

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191

READ— Letter No. 1174 8-5 dated the 26th September 1912 from the Registrar, Chief Court of Mysore, forwarding for information a copy of Chief Court's Proceedings in Criminal Revision Case No. 11 of 1912-13 noticing the gross delay

over.

Date of issue 11-1-13

Signed by Sm S. Srinivasaiya

~~ORDER THEREON.—No.~~

SUBJECT.

copd 10/1/13

in the disposal of Criminal
Case N 870 of 1911-12 on the
file of the City Magistrate
of Bangalore

Order thereon, No J 1948-9/CC580-12-2 Encls record
& 11-1-13

Govt agree with the Chief
Court that the trial of the
case was protracted beyond
all reasonable bounds. The
District Magistrate of
Bangalore and the 1st
Class Magistrate (Mr C.S.
Kuppuswami Iyengar) were
responsible for the greater
part of the delay and Govt
are constrained to express
their displeasure at the
very unsatisfactory manner
in which they allowed
adjournments in the
case.

(2) The Chief Court
is requested to impress

GPB.—20,000—2-10-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

on all Judges and Magistrates the necessity of prompt disposal of Criminal Cases and of noticing adequately all remissness in such matters on the part of Subordinate tribunals

8/1/13 Forgg Secy to Govt

To

The Registrar Calcutta Court (returning the records)

by Dt Magte, Burdwan

4.1.13

4/1/13